

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

QUEEN ESTHER JACKSON,

No. C 03-2908 MMC

Plaintiff,

**ORDER DENYING PLAINTIFF'S
REQUEST FOR A HEARING**

v.

POSTMASTER GENERAL JOHN E.
POTTER,

Defendant

The Court is in receipt of a document, filed September 20, 2006 by plaintiff Queen Esther Jackson and titled "Plaintiff's Plead to the Court for a Hearing Toward Defendant's Contempt of Court Order Filed September 20th 2005." By said document, plaintiff asserts defendant is in breach of his obligations under the Order of Settlement Compromise, filed August 2, 2005, and clarified in the Court's order of September 20, 2005.

The precise nature of the asserted breach to which plaintiff is referring is unclear. In any event, the Order of Compromise Settlement provides that "[i]n the event of an alleged breach of [the parties'] agreement, the parties agree to meet and confer in good faith efforts to reach resolution prior to initiating any legal action." (See id.) In other words, if plaintiff is of the view that defendant is in breach of his obligations under the parties' settlement agreement, plaintiff must first meet with defendant's counsel for the purpose of resolving

1 the matter. Only if those efforts are unsuccessful in resolving the dispute may plaintiff seek
2 relief from the Court.¹

3 Accordingly, plaintiff's request for a hearing in the above-titled matter is hereby
4 DENIED without prejudice.

5 **IT IS SO ORDERED.**

6
7 Dated: November 6, 2006


MAXINE M. CHESNEY
United States District Judge

24 ¹According to plaintiff's motion, plaintiff has had unsatisfactory dealings with certain
25 of defendant's employees. Although plaintiff indicates she served the instant motion on
26 defendant's counsel, plaintiff does not indicate that, prior to seeking relief from the Court,
27 she met and conferred with defendant's counsel in an attempt to resolve any issues that
28 have arisen concerning implementation of the parties' agreement. If, after meeting with
defendant's counsel, plaintiff is still of the view that Court intervention is required, plaintiff
must, in addition to clearly identifying the nature of any asserted breach, set forth the steps
she has taken to meet and confer with defendant's counsel, and indicate why the result of
such meeting was unsatisfactory.